



Council Public Meeting

Date of Meeting: May 24, 2017
Report Number: SRPRS.17.088

Department: Planning and Regulatory Services
Division: Development Planning

Subject: Draft Official Plan Amendment and Draft Zoning By-law Amendment for the Lake Wilcox Special Policy Area – Town File # D10-PL-SP (SRPRS.17.088)

Purpose:

The purpose of this staff report is to present the Draft Official Plan Amendment and Draft Zoning By-law Amendment for the Lake Wilcox Special Policy (SPA) Area and to outline the next steps of the Lake Wilcox SPA Review Study process.

Recommendation(s):

That Staff Report SRPRS.17.088 and the attached Draft Official Plan Amendment (Appendix A) and the attached Draft Zoning By-law Amendment (Appendix B) be received and that all comments be referred back to staff.

Contact Person:

Michal Matyjewicz, Planner II - Policy, phone number 905-747-6428.

Submitted by:

"Signed version on file in the Office of the Clerk"

Ana Bassios
Commissioner of Planning and Regulatory Services

Approved by:

"Signed version on file in the Office of the Clerk"

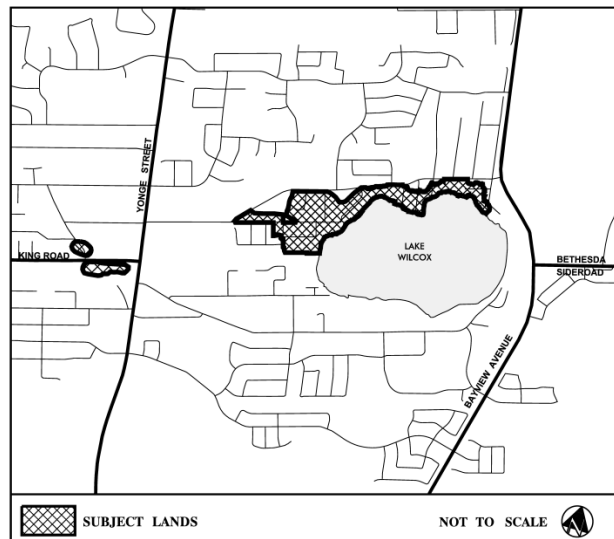
Neil Garbe
Chief Administrative Officer

Introduction:

On July 12, 2010 Council adopted the Richmond Hill Official Plan (OP). The OP includes policies related to studies to be completed in order to implement the OP vision, including the Lake Wilcox Special Policy Area (SPA) Review to update the existing policies and mapping. A Special Policy Area is an area that has historically existed in the flood plain and for which site specific policies, approved by the Ministers of Municipal Affairs and Natural Resources and Forestry, permit continued small scale development to occur. In April 2012, the Ontario Municipal Board (OMB) approved a substantial portion of the OP. On that basis, the OP's SPA policies as contained in Section 3.2.2.4 "Special Policy Areas" are in effect except where they have been appealed site specifically. A hearing on the matter of these policies has not been scheduled.

The purpose of the Draft Official Plan Amendment (OPA) and Draft Zoning By-law Amendment (ZBLA) is to implement boundary modifications to the existing "Special Policy Area" (as set out in Schedule A2 and A7 of the Part I OP) and the "Special Policy Area," "Natural Hazards" and "Neighbourhood" policies of the OP based on the Lake Wilcox SPA Review Study (see Appendix A for the Draft OPA and Appendix B for the Draft ZBLA).

The OPA and ZBLA pertain to the lands shown below as "subject lands":



Background:

The existing Lake Wilcox SPA is located within the Humber River watershed on the north side of Lake Wilcox and west of Yonge Street, on the north and south sides of King Road (see Map 1). The policies and boundary of the existing Lake Wilcox SPA were approved by an Order of the Ontario Municipal Board respecting OPA 129 (the former North Urban Area Secondary Plan) over twenty years ago on July 10, 1995.

The Lake Wilcox SPA Review was undertaken to update the existing policies and mapping to reflect the Provincial Policy Statement, 2014 (PPS, 2014) and the Toronto and Region Conservation Authority's (TRCA) updated floodplain mapping for the area. It was undertaken in accordance with the Ministry of Natural Resources and Forestry's (MNRF) *Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to SPAs Under the Provincial Policy Statement, 2005 (PPS, 2005), Policy 3.1.3 – Natural Hazards - Special Policy Areas* (MNRF's Technical Guidelines for SPAs). The MNRF's Technical Guidelines outline the process for SPA Review Studies and approval.

In accordance with the MNRF's Technical Guidelines for SPAs, a Terms of Reference for the study was received by Council in November 2011 (SRPRS.11.158). Following the Terms of Reference, Town staff, together with TRCA staff, prepared technical information, including updated floodplain mapping for the East Humber River area in 2014. Based on this technical information, Town staff, together with TRCA staff, prepared a draft SPA Justification Report that was submitted to the Province for preliminary review. In late December 2015, Provincial staff provided their comments to Town staff on the draft SPA Justification Report. Based on those comments, Town staff provided Council with an update report on the Lake Wilcox SPA Review in February 2016 (SRPRS.16.030), which included the draft SPA Justification Report and an overview of the next steps in the study process. Town staff held targeted stakeholder meetings with the two appellants to the OP's SPA policies and schedules in May 2016. In June 2016, Town staff hosted an Open House in Oak Ridges to update the community on the purpose and scope of the study, the work completed to date (including Provincial comments) and next steps. TRCA, York Region and Provincial staff were invited to attend the Open House. Approximately 75 community members attended the Open House.

Since that time, Town staff, together with TRCA staff, have prepared a revised SPA Justification Report that responds to the Provincial comments received on December 18, 2015 (see Appendix C for the Executive Summary of this report and www.RichmondHill.ca/LakeWilcoxSPA for the complete report). The revised SPA Justification Report responds to the technical and land use planning information requirements of the MNRF's Technical Guidelines for SPAs and includes a Draft OPA which sets out proposed boundary and policy modifications to the existing Lake Wilcox SPA. In accordance with the Province's comments on the matter, a Draft ZBLA to the same effect also forms part of the revised SPA Justification Report.

What is the Purpose of a SPA?

The Provincial Policy Statement (PPS, 2014) defines a SPA as:

“..an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result

from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.”

The approval of an SPA requires that the Provincial and municipal levels of government, and the applicable Conservation Authority, collectively agree to take on additional risk associated with permitting development in the floodplain. As such, the approval of a new SPA, or modifications to existing SPAs, requires detailed technical and land use analysis. There are only a limited number of SPAs approved by the Province in Ontario.

In the Lake Wilcox area, strict adherence to the policies of the PPS, 2014, which directs development to areas outside of lands impacted by flooding hazards, could result in social and economic hardships for existing uses. As such, in 1995 the Town's SPA policies and related mapping were brought into effect through an approval of the former OPA 129 secondary plan area by the Ontario Municipal Board (OMB). These policies were intended to permit the continuation of existing uses where they existed within parts of the floodplain.

Lands that are outside of the existing SPA, but which remain within the floodplain, are generally designated as part of the Town's Greenway System, to be protected, enhanced, and actively managed in a natural state over the long-term.

Revised SPA Justification Report

The SPA Justification Report was prepared as part of the Lake Wilcox SPA Review. The report sets out recommendations on the boundary and policies for the existing Lake Wilcox SPA. Provincial comments were received by the Town in December 2015 on this matter. As set out in the update staff report on the Lake Wilcox SPA Review received by Council in February 2016 (SRPRS.16.030), Town staff were supportive of the Provincial comments and have incorporated them into the revised Justification Report (see Appendix C).

The revised SPA Justification Report addresses the technical and land use planning information requirements of the MNR's Technical Guidelines for SPAs and is divided into three parts:

Part A: Context

This section provides an analysis of Provincial, regional and local policies and establishes the policy basis for the study. It was determined that certain policies in the PPS, 2014 have changed compared to the PPS, 2005, which was the relevant PPS at the time that the Town's 2010 Official Plan (OP) was prepared. The revised SPA Justification Report recommends modifications to the OP to ensure the SPA policies reflect the PPS, 2014. In accordance with Provincial comments, a ZBLA is also recommended.

Part B: Technical Analysis and Emergency Management

This section provides information to address the technical and emergency management / safety requirements of the MNRF's Technical Guidelines for SPAs. It includes a floodplain characterization undertaken by the TRCA, which determined that the floodplain, based on a major storm event, has expanded. The flood risk assessment identifies the extent of low and high risk areas. This assessment has determined that the majority of lands in the existing SPA are in the high risk category, indicating that the depth of water and/or velocity (speed) of flows and/or a combination of the two may be a risk for human stability (i.e. a person's ability to stand upright) in a major storm event. To address the emergency management requirements of the MNRF's Technical Guidelines, the Town's emergency management policies and procedures, as outlined in Richmond Hill's Emergency Plan, were reviewed with the Town's Fire and Emergency Management staff and included in the SPA Justification Report to demonstrate how the Fire and Emergency Services group would be deployed in an emergency situation, including a potential flood event.

Part C: Planning Analysis and Special Policy Area Justification

This section identifies the evolution of the local planning context and examines existing conditions, responding to the land use planning information requirements of the MNRF's Technical Guidelines for SPAs. The examination of existing conditions in the Lake Wilcox north shore and King Road SPA sub-areas determined that the continued use of the SPA floodplain management approach is appropriate. However, a boundary reconciliation for the existing SPA is proposed (see Map 2 for the Proposed SPA). As a means of synthesizing the technical (floodplain characterization, flood risk and emergency management) and land use planning policy considerations inherent in SPA boundary reconciliation, planning principles were developed to guide whether lands should or should not be added to the existing SPA. Generally speaking, principles for removing lands from the existing SPA included: the removal and/or reduction in the floodplain area on the lands; the designation of the lands as part of the Greenway System (as defined by the OP 2010); and potential for expansion of existing uses outside of the floodplain. Principles for adding lands to the SPA included: the expansion of the floodplain to include the lands; the location of the lands within various categories of risk as defined by the major storm event; and impact to the viability/continuation of existing uses in light of the PPS, 2014 flood proofing requirements.

The proposed boundary modifications (see Map 2) to the existing SPA can be characterized as follows:

1. The existing Lake Wilcox north shore sub-area is estimated to be approximately 13.12 gross hectares. The existing SPA is proposed to be increased in area by 6.38 gross hectares for a total of approximately 19.49 gross hectares. The proposed SPA is comprised of lots fully within the existing SPA (approximately 58% of the total area), lots partly within the existing SPA but which have seen an increase in the floodplain area and are therefore proposed to be added to the SPA (approximately 22% of the total area), and new lots proposed to be added to the SPA (approximately 20% of the total area). More generally, the increase in

area corresponds to an expansion of the floodplain as set out by the 2014 Floodline;

2. Approximately 0.365 gross hectares are proposed to be removed from the Lake Wilcox north shore sub-area of the existing SPA (corresponding to municipally owned lands used for park purposes with frontage onto Olde Bayview Avenue);
3. Outside of and not contiguous to the Lake Wilcox north shore sub-area of the SPA, approximately 2.11 gross hectares are proposed to be removed with the deletion of the King Road, north side sub-area and King Road, south side sub-area of the existing SPA; and,
4. In conjunction with the above, the King Road, north side sub-area of the existing SPA forms part of the Greenway System of the OP (2010) and will be protected and enhanced over the long term. The King Road, south side sub-area is predominantly within the Greenway System and/or is comprised of lands that have some potential to expand outside of the floodplain. The extent of the floodplain in this area has also decreased on the basis of the 2014 Floodline.

Draft Official Plan Amendment

In addition to the recommended boundary reconciliations outlined in this report, a series of modifications to the policies of the OP (2010) are comprehensively set out in the OPA attached in Appendix A. The modifications to the policies of the OP (2010) may be characterized as follows:

Town-wide modifications to reflect the direction of the PPS, 2014

Certain policies of the PPS, 2005 were modified in the PPS, 2014. The OP's Natural Hazard (Section 3.2.2.3) and Special Policy Area (Section 3.2.2.4) policies were based on the PPS, 2005. In order to continue to address the Natural Hazard policy goal of limiting the risk to public health and safety and/or of property damage resulting from flooding, the OP's "Natural Hazards" and "Special Policy Area" policies are proposed to be modified to reflect changes in policy language of the PPS, 2014.

Area-specific modifications to the OP (2010)'s "Neighbourhood" designation

Given the direction of the PPS, 2014 to limit intensification within the floodplain and to minimize risk to public health and safety, staff recommend that residential use permissions for SPA lands within the "Neighbourhood" designation be limited to single detached dwellings in order to allow for existing dwellings to be redeveloped in the form of replacement housing. This modification clarifies the land use permission for development within the SPA.

Modifications to the OP (2010)'s Schedules

Modifications to the OP (2010)'s Schedule A2 "Land Use" and Schedule A7 "Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas" are required to implement the Lake Wilcox SPA boundary reconciliation. Schedule 1 of the Draft OPA identifies the land subject to the amendment and the SPA boundary in greater detail.

Draft Zoning By-law Amendment

The lands within the proposed SPA are regulated by Zoning By-law 256-88, as amended. The “R6” zone of Zoning By-law 256-88 permits single detached dwellings, requires a minimum lot area of 502 square metres and a minimum lot frontage of 15 metres. The Zoning By-law provides for recognition of lots with areas greater than 255 square metres and frontages of 7.5 metres or greater and provides for floodproofing in areas adjacent to Lake Wilcox which are defined as “Flood Damage Centre.” Section 10.1 of the Zoning By-law establishes provisions which apply across all zones of the By-law demarcated with the “Flood Damage Centre” overlay.

In concert with the OPA attached in Appendix A, a Draft ZBLA was prepared by Town staff (see Appendix B). The purpose of the draft ZBLA to Zoning By-law 256-88, as amended, is to ensure the implementation of the Draft OPA described above. Generally speaking, the ZBLA can be characterized as further amending Zoning By-law 256-88 to replace the existing “Flood Damage Centre” overlay with a “Special Policy Area” overlay and to implement updated regulatory standards associated with the SPA.

In addition to the OPA and ZBLA, implementation of the SPA policies will also occur through the Town’s site plan process. As the SPA lands are within the regulated area as defined by Ontario Reg. 166/06, the TRCA’s permitting process will also continue to apply. In the SPA, the TRCA will continue to review and comment on site plan applications and ensure that objectives with respect to natural heritage and/or the reduction of risk to public health and safety and property damage are addressed.

Next Steps:

In accordance with the MNRF’s Technical Guidelines for SPAs, prior to final adoption of the OPA, the Town is required to seek the approval of the Ministers of Natural Resources and Forestry (MNRF) and Municipal Affairs (MMA), who retain approval authority for SPA matters. Following this meeting and the receipt of comments on the matter, Town staff will target a report to the Committee of the Whole on June 20, 2017 requesting “approval in principle” of the Draft OPA and ZBLA pertaining to the Lake Wilcox SPA. Should “approval in principle” of the instruments be granted by Council, the Draft OPA and ZBLA will be forwarded to York Region Council and the TRCA’s board for endorsement. Once resolutions on this matter have been obtained from all three bodies, Town staff will provide a formal submission to the Province for approval.

The revised SPA Justification Report was provided to Provincial staff for their review and comment in March 2017. As of the writing of this report, Town staff have not received further comments from Provincial staff on the revised SPA Justification Report. On a preliminary basis, Town staff anticipate that should Provincial staff provide additional comments on the revised SPA Justification Report, these comments can be addressed by Town staff in the June 20, 2017 Committee of the Whole Report which will seek “approval in principle” in accordance with the MNRF’s Technical Guidelines for SPAs.

Once reviewed by the Province, a joint Ministerial decision will be provided on the Draft OPA and Draft ZBLA. If the Ministers are satisfied with the amendments, Town staff will bring forward the final OPA and ZBLA for adoption by Council and, with respect to the OPA, approval by York Region. A standard appeal period will then follow.

Financial/staffing/Other Implications:

The approved Planning and Regulatory Services Department Capital Budget includes funding for this project. There are no financial/staffing/other implications.

Relationship to the Strategic Plan:

Stronger Connections in Richmond Hill

The SPA Review will strengthen and support inter-governmental working relationships with York Region, the Conservation Authority, MMA, and MNRF. In addition, it will strengthen environmental connections by ensuring floodplain lands are appropriately planned to achieve a healthier watershed and enhanced Greenway System.

Better Choice in Richmond Hill

The SPA Review will provide a high-quality option for how to limit the risks to public health and safety and/or property damage resulting from flooding within the Lake Wilcox SPA.

A More Vibrant Richmond Hill

The SPA Review helps to maintain a vibrant Richmond Hill by limiting development within the floodplain. In doing so, the larger Greenway System will be enhanced over the long term.

Wise Management of Resources in Richmond Hill

The SPA Review demonstrates the Town's continued commitment to managing lands within the floodplain to limit risks to public health and safety and/or property damage and to achieve a healthier watershed and lake ecosystem. In addition, the SPA Review demonstrates the Town's commitment to responsible governance by providing an update of the SPA mapping and policies to reflect contemporary data.

Conclusion:

The Town is undertaking a review of the Lake Wilcox SPA as required by the Town's OP and in accordance with the provincially-mandated approvals process outlined in the MNRF's Technical Guidelines for SPAs. Town staff have prepared a revised SPA Justification Report, which sets out proposed modifications to the existing SPA boundary and policies. Provincial staff have provided their comments on the draft SPA Justification Report in December 2015, which were incorporated into the Revised SPA Justification Report and Official Plan Amendment and Zoning By-law Amendment to implement the same. This report recommends that all comments be referred to staff. Town staff will report back to Council for "approval in principle" on this matter in

accordance with the MNRF's Technical Guidelines for SPAs. Any changes to the SPA boundaries and/or policies that will result from the Official Plan Amendment and Zoning By-law Amendment require the joint approval of the Ministers of MMA and the MNRF.

Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A Draft Official Plan Amendment to the Richmond Hill Official Plan
- Appendix B Draft Zoning By-law Amendment to Amend By-law No. 256-88
- Appendix C Revised Lake Wilcox SPA Review Justification Report Executive Summary
- Appendix D Notice of Public Meeting (April 27, 2017 edition of Richmond Hill Liberal newspaper)
- Map 1 Existing Lake Wilcox SPA
- Map 2 Proposed Lake Wilcox SPA

Draft Official Plan Amendment

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(i)

RICHMOND HILL OFFICIAL PLAN
OFFICIAL PLAN AMENDMENT NO. _____

The attached schedule and explanatory text constitute Amendment No. _ to the Richmond Hill Official Plan.

This amendment was prepared and recommended by the Richmond Hill Council and was adopted by the Council of The Corporation of the Town of Richmond Hill by by-law No. __-__ in accordance with Sections 17 and 21 of the *Planning Act* on the ____ day of _____, 20__.

Mayor

Town Clerk

(ii)

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. ___-1__

A By-law to Adopt Amendment No. _ to the
Richmond Hill Official Plan.

The Council of the Corporation of the Town of Richmond Hill in accordance with provisions of the *Planning Act*, R.S.O. 1990, hereby enacts as follows:

1. That Amendment No. _ to the Richmond Hill Official Plan, consisting of the attached Part Two and Schedule 1 is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to The Regional Municipality of York for approval of the aforementioned Amendment No. _ to the Richmond Hill Official Plan.
3. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED THIS ____ DAY OF _____, 20__.

Mayor

Town Clerk

PART ONE - THE PREAMBLE is not a part of the Amendment.

PART TWO - THE AMENDMENT, consisting of text and schedule, constitutes Amendment No. _ to the Richmond Hill Official Plan.

PART THREE - THE ATTACHEMENTS, which is not a part of the Amendment, contains background information relevant to the Amendment.

DRAFT

PART ONE - THE PREAMBLE

1.1 PURPOSE

The purpose of this Amendment to the Richmond Hill Official Plan is to implement policy modifications to the “Special Policy Area,” “Natural Hazards” and “Neighbourhood” policies and to implement a revised boundary for the Lake Wilcox Special Policy Area (SPA) as approved by the Ministers of Natural Resources (MNRF) and Municipal Affairs and Housing (MMAH).

1.2 LOCATION

The lands affected by this Amendment are located within the floodplain as determined by the 2014 Floodline and identified as Area “A” – Lake Wilcox North Shore on Schedule “1” attached hereto.

1.3 BASIS

The proposed Amendment is considered by Council to be appropriate for the following reasons:

- The proposed Amendment recognizes that in the Lake Wilcox SPA, strict adherence to the policies of the PPS, 2014 concerning new development would result in social and economic hardships and provides a separate set of policies to provide for the continued viability of existing uses, which are generally on a small scale.
- The proposed Amendment has been approved by the Ministers of Natural Resources (MNRF) and Municipal Affairs and Housing (MMAH).
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 (PPS, 2014).
- The proposed Amendment conforms to the Region of York Official Plan.
- The proposed Amendment implements the policies of the Richmond Hill Official Plan that require an update to the policies and mapping of the Lake Wilcox SPA.

- The proposed Amendment will support development within the Lake Wilcox SPA in a manner that is consistent with the Richmond Hill Official Plan.

PART TWO - THE AMENDMENT

- 2.1 All of this part of the document entitled **PART TWO – THE AMENDMENT** consisting of the following text and the attached schedule designated as Schedule “1” constitute Amendment No. ___ to the Richmond Hill Official Plan.
- 2.2 The Richmond Hill Official Plan is amended as follows:
- 2.2.1 That **Schedule A2** (Land Use) be amended to identify the updated boundary of the Lake Wilcox SPA and to identify Area “A” – Lake Wilcox North Shore of the SPA.
- 2.2.2 That **Schedule A7** (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) be amended to identify the updated boundary of the Lake Wilcox SPA and to identify Area “A” – Lake Wilcox North Shore of the SPA.
- 2.2.4 That **Section 3.2.2.3 Natural Hazards** be amended in the following manner:
- i. Policy (2) be deleted and replaced with Policy 3.2.2.3 (2) as follows:
Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
 - a. an institutional use including a hospital, long-term care homes, retirement home, pre-school, school nursery, day care and/or school where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;

- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations
- c. a use associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

- ii. Policy (3) be deleted and replaced with Policy 3.2.2.3 (3) as follows:

The Town shall support the efforts of the Conservation Authority in the management of floodplain lands and *Special Policy Areas*, which are within the Floodplain Regulation Area as shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas). The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.

- 2.2.5 That **Section 3.2.2.4 Special Policy Areas** be amended in the following manner:

- i. Policy (2) be deleted and replaced with Policy 3.2.2.4 (2) – (5) as follows:
 - 2. For lands in *Special Policy Areas* shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas), the development, redevelopment or rehabilitation of buildings or structures shall be subject to site plan control.
 - 3. Where lands designated Neighbourhood are identified as being located in “Area “A”” of the *Special Policy Area* as shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas), the development, redevelopment or rehabilitation of buildings or structures may be permitted subject to the following criteria:

- a. Notwithstanding the land use permissions established in 4.9.1, only *low-rise* single unit detached uses shall be permitted.
 - b. New *low-rise* single unit detached uses shall be required to be floodproofed to the satisfaction of the Conservation Authority.
 - c. Secondary suites shall not be permitted.
4. New development must locate primary building system controls such as service units and panels, above the Regulatory Flood level.
 5. Pursuant to 3.2.2.4 (15), site specific Official Plan Amendments to the *Special Policy Area* for intensification beyond the level of *development* permitted in this Plan shall only be considered through a *municipal comprehensive review* and subject to the approval of the Ministers of the Ministry of Municipal Affairs and Housing and Natural Resources.
 6. The Town shall amend the Zoning By-law on lands wholly or partly designated *Special Policy Area* and enact provisions, where appropriate, related to minimum building or structure setbacks, maximum lot coverage, minimum height of any building or structure opening, floodproofing and other such matters as may be determined to be necessary by the Town and/or the Toronto and Region Conservation Authority.
 - ii. Policy (3) be renumbered to Policy (6);
 - iii. Policy (4) be renumbered to Policy (7);
 - iv. Policy (5) be renumbered to Policy (8);
 - v. Policy (6) be renumbered to Policy (9);
 - vi. Policy (7) be deleted and replaced with Policy (10) as follows:
 1. That access and egress to all new buildings and structures providing overnight accommodation shall be safe, pursuant to the provincial floodproofing standards (dry access/egress is

preferred). Where access and egress cannot achieve provincial flood proofing standards, they must achieve the maximum level of flood protection determined by the Town and the TRCA to be practical and feasible. The stated safe access for all pedestrian and vehicular traffic shall be demonstrated to the satisfaction of the Town and TRCA. No new building, structure or addition, shall be permitted within the *Special Policy Area* unless it has been demonstrated to the satisfaction of the Town and Conservation Authority that:

- a. It would not be subjected to flows, which due to their velocity, depth or both, would be a hazard to life or property;
 - b. It would not be susceptible to major structural damage as a result of a flood below or equal to the level of the Regulatory Flood;
 - c. The necessary flood protection measures would not have a negative impact on adjacent properties; or
 - d. Adverse downstream and/or upstream impacts would not be created/exacerbated and/or an increase in risk to life or property would not occur as a result of flooding.
- vii. Policy (8) be renumbered to Policy (11);
 - viii. Policy (9) be renumbered to Policy (12);
 - ix. Policy (10) be deleted and replaced with renumbered to Policy (13) as follows:

New development shall be prohibited on any parcel of land which is wholly or partly in a *Special Policy Area* where the use is:

- a. an institutional use including a hospital, long-term care homes, retirement home, pre-school, school nursery, day care and/or school where there is a threat to the safe

evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;

- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations;
 - c. an use associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- x. Policy (11) be deleted;
 - xi. Policy (12) be renumbered to Policy (14);
 - xii. Policy (13) be deleted and replaced with renumbered Policy (15) as follows:

The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.

- 2.2.6 That Section **4.9 Neighbourhood** be amended by adding policy 4.9.1 (6) as follows:

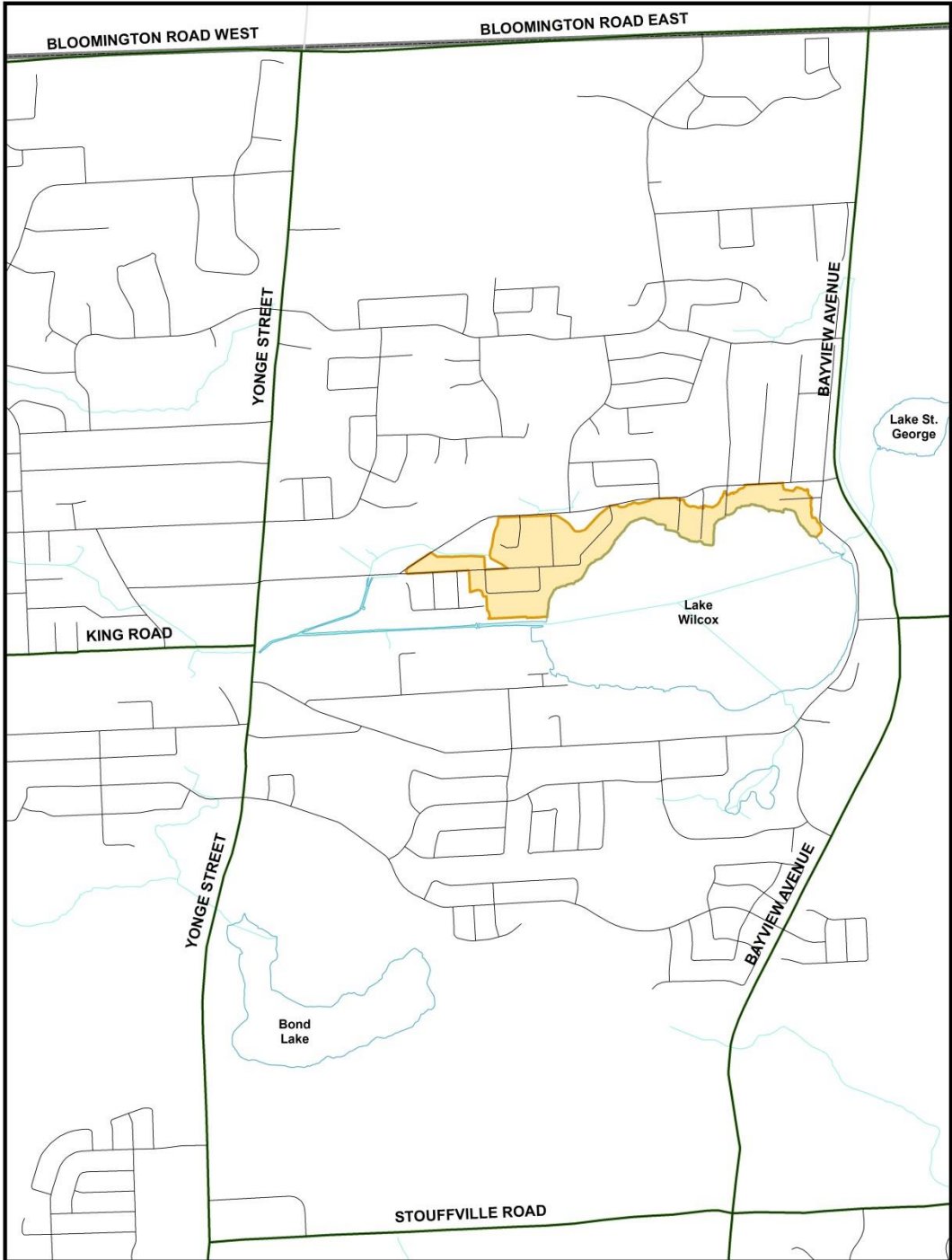
Notwithstanding policies of Section 4.9, the development, redevelopment or rehabilitation of buildings or structures on lands in the *Special Policy Area* identified as "Area "A"" and shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) may only be permitted subject to the policies of Section 3.2.2.4 Special Policy Areas.

2.2.7 That Section **7.2 Definitions** be amended by adding the following definitions:

Essential emergency service: for the purpose of policy 3.2.2.3 and policy 3.2.2.4 means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.




Hazardous substances: for the purpose of policy 3.2.2.3 and policy 3.2.2.4 means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

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RICHMOND HILL
OFFICIAL PLAN
Lake Wilcox
Special Policy Area
Sch. "1" to OPA

Legend

-  Waterbodies
-  SPA (Revised Proposed)
-  Watercourses

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NOTE: The information provided in the Schedule constitutes an operative part of the Richmond Hill Official Plan. Where any other provision in the Schedule is inconsistent with the provisions of this Schedule, the provisions of this Schedule shall prevail. The City of Richmond Hill is not responsible for any errors or omissions. Interested parties are therefore urged to make inquiries with the Town of Richmond Hill Planning and Regulatory Services Department to ensure that the information reflected in this Schedule is accurate, current and complete in all respects.



Richmond Hill
 PLANNING & REGULATORY SERVICES
 DEPARTMENT



Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. XX-17

A By-law to Amend By-law No. 256-88 of
The Corporation of the Town of Richmond Hill, as amended.

WHEREAS the Council of The Corporation of the Town of Richmond Hill at its Council Meeting of X, 2017, directed that this by-law be brought forward to Council for its consideration;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:

1. That By-law No. 256-88, as amended, of the Town of Richmond Hill, be hereby further amended by:
 - a. removing the “FLOOD DAMAGE CENTRE,” as indicated in a cross hatch overlay on Schedule “A” of By-law 256-88 and replacing it with Schedule “A” attached hereto;
 - b. adding the “SPECIAL POLICY AREA,” as indicated in a cross hatch overlay on Schedule “B” to this By-law xx-17 and attached hereto; and
 - c. removing Section 6.2 (6) and Section 10.1 and adding the following to Section 10 – Exceptions / Additional Provisions:

10.1

Notwithstanding any other inconsistent or conflicting provisions of By-law 256-88, as amended, of the Corporation the following special provisions shall apply to the lands within the “SPECIAL POLICY AREA” as indicated in a cross hatch overlay on Schedule “B” to this By-law xx-17 and attached hereto:

- (a) Only SINGLE DETACHED DWELLINGS shall be permitted within the SPECIAL POLICY AREA.
- (b) SECONDARY SUITES shall not be permitted within the SPECIAL POLICY AREA.
- d. Adding the following definitions to Section 4 – Definitions:

“ACCESSORY” means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or BUILDING, and allocated on the same LOT.

“SECONDARY SUITE” means a self contained DWELLING UNIT ACCESSORY to the main dwelling unit.

“SPECIAL POLICY AREA” means an area that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

e. Removing the following definitions from Section 4 – Definitions:

“FLOOD DAMAGE CENTRE”

f. Removing the term “FLOOD DAMAGE CENTRE” from Section 5.20 Site Plan Control (a) of By-law 256-88 and replacing it with the term “SPECIAL POLICY AREA” as set out in this By-law xx-17.

2. Schedules “A” and “B” to this By-law xx-17 and attached hereto are declared to form a part of this By-law.

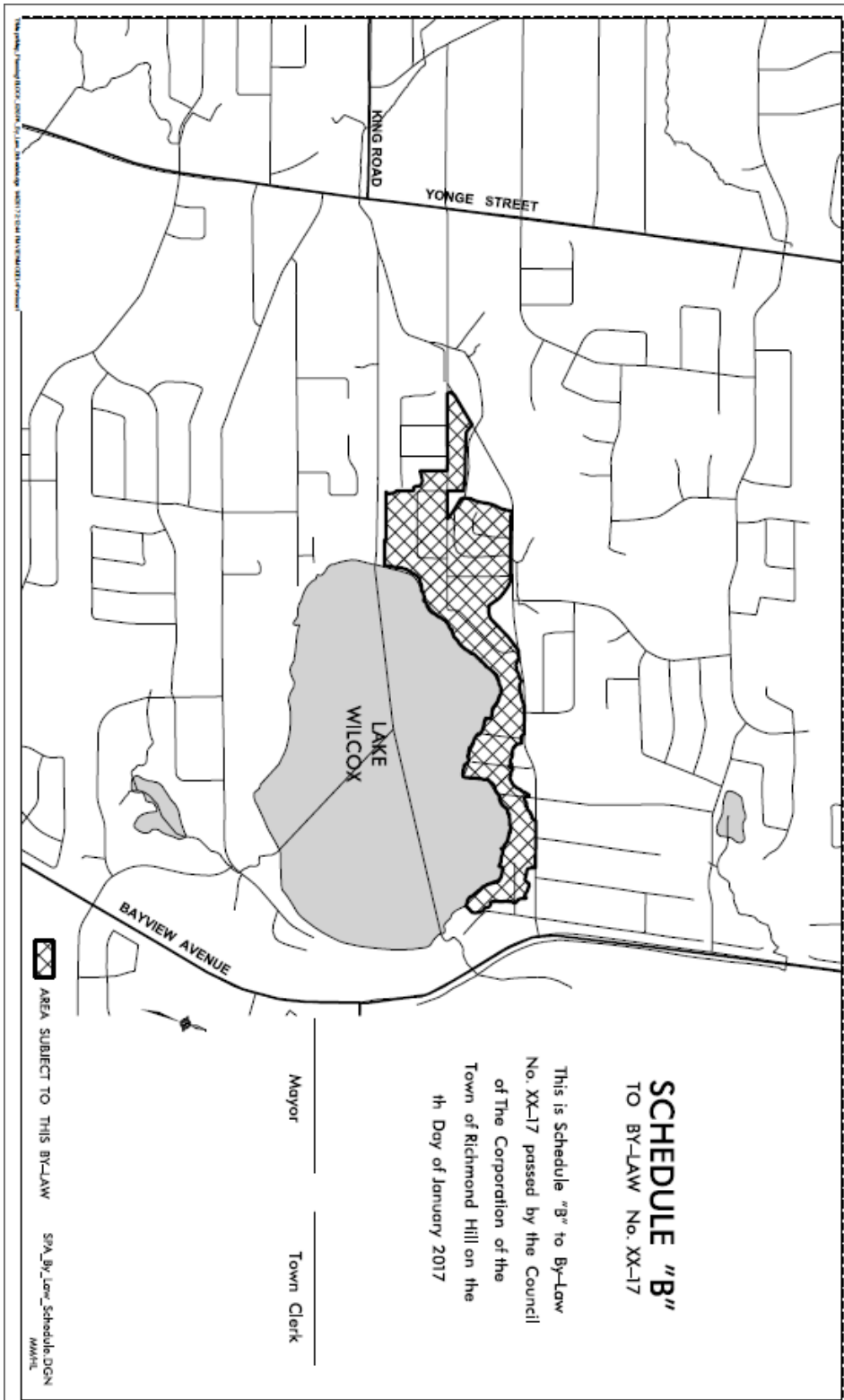
PASSED THIS X DAY OF X, 20XX.

Mayor

Town Clerk

File: DXX-XXXXX

SCHEDULE "B"



THE CORPORATION OF THE TOWN OF RICHMOND HILL

EXPLANATORY NOTE TO BY-LAW NO. XX-17

The purpose of By-law No. xx-17 is to implement the Provincially-approved SPECIAL POLICY AREA policies set out in Official Plan Amendment No. X by amending By-law No. 256-88, as amended.

By-law No. xx-17 replaces the FLOOD DAMAGE CENTRE overlay set out in By-law No. 256-88, as amended, with a SPECIAL POLICY AREA overlay within the north shore area of Lake Wilcox and as more precisely indicated on Schedule “B” to this By-law.

By-law No. xx-17 restricts permitted uses for those lands subject to the SPECIAL POLICY AREA to SINGLE DETACHED DWELLINGS and it prohibits SECONDARY SUITES.

DRAFT

Revised Justification Report Executive Summary

EXECUTIVE SUMMARY

The Lake Wilcox Special Policy Area (SPA) Review was undertaken to assess the boundary and policies for the existing Lake Wilcox SPA, generally located along the north shore of Lake Wilcox and in the East Humber Valley Corridor, near the intersection of Yonge Street and King Road, in Richmond Hill. The SPA Review was informed by the Toronto and Region Conservation Authority's (TRCA) revised floodplain modelling and mapping for the Humber River watershed and was undertaken in accordance with the mandated process outlined by the Ministry of Natural Resources (MNRF) in the *“Procedures for Approval of New Special Policy Areas (SPAS) and Modifications to Existing SPAS Under the Provincial Policy Statement, 2005 (PPS, 2005), Policy 3.1.3 – Natural Hazards - Special Policy Areas”* (MNRF's technical guideline for SPAs). The Special Policy Area Justification Report (this report) brings together the technical and land use planning information requirements within the existing Lake Wilcox SPA in accordance with the MNRF's technical guideline for SPAs.

The policy context for the Lake Wilcox SPA Review includes an analysis of Provincial, Regional and local policies and establishes the policy basis for the study. It was determined that certain policies in the PPS, 2014 have changed compared to the PPS, 2005, which was the relevant PPS at the time that the Town's Official Plan (OP) was prepared. The OP will be modified to reflect these changes, as outlined in this report.

The technical and emergency management information in this report addresses the requirements of the MNRF's technical guideline for SPAs. It includes a floodplain characterization undertaken by the TRCA that has determined that the floodplain, as defined by the 2014 Floodline, has expanded. The flood risk assessment identifies the extent of low and high risk areas where depth and velocity of flows were determined to be a risk for human stability. This analysis determines that the majority of lands in the existing SPA are in the high risk category. A review of the Town's emergency management policies and procedures, as outlined in Richmond Hill's Emergency Plan, demonstrate how the Fire and Emergency Services group will address emergency situations, including floods.

The report's planning analysis – which presents the evolution of the local planning context and examines existing conditions - responds to the land use planning information requirements of the MNRF's technical guideline for SPAs. The examination of existing conditions provides a “snapshot” of the floodplain and the SPA and determines that sufficient development potential remains to warrant the continued use of the SPA floodplain management approach. In order to reflect the 2014 Floodline and achieve the land use vision of the OP (2010), a boundary reconciliation for the existing Lake Wilcox SPA is recommended to identify Area “A” – Lake Wilcox North Shore. Modifications to the OP (2010) are recommended and can be characterized as follows:

- Town-wide modifications to reflect the direction of the PPS, 2014;
- Area-specific modifications to the OP (2010)'s “Neighbourhood” designation for Areas “A,” and;
- Modifications to the OP (2010)'s Schedules.

On that basis, it is recommended that:

- The Official Plan be amended to implement the boundary reconciliation and policy modifications to the existing Lake Wilcox SPA, as attached in Appendix “I” – Official Plan Amendment _ (OPA _), and

- The Zoning By-law be amended to implement the boundary reconciliation and modifications to the existing Lake Wilcox SPA, as attached in Appendix “J” – Draft Zoning By-law Amendment.

COUNCIL PUBLIC MEETING

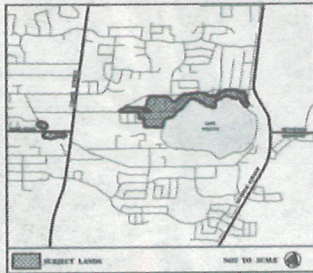
Wednesday, May 24, 2017

Concerning Lake Wilcox Special Policy Area Review Study
Proposed Official Plan and Zoning By-law Amendments
Pursuant to the Planning Act

A Public Meeting is scheduled for Wednesday, May 24, 2017 at 7:30 PM in the Council Chambers of the Municipal Offices, 225 East Beaver Creek Road, to notify the public and receive comments on amendments to the Official Plan and Zoning By-law related to the Lake Wilcox Special Policy Area.

Inquiries Refer To:**Town File: D10-PL-SPA****Town Planner: Michal Matyjewicz, Planner II - Policy****Telephone: 905-747-6428****Email: michal.matyjewicz@richmondhill.ca**

Subject Lands: The draft official plan amendment and draft zoning by-law amendment apply to the area identified as Area "A" – Lake Wilcox North Shore. The lands are generally located within the floodplain, on the north side of Lake Wilcox and have a total area of approximately 19.49 hectares (48.16 acres).



Purpose and Effect: The Town has initiated amendments to the Official Plan to implement boundary modifications to the existing "Special Policy Area" (amending Schedule A2 and A7 of the Part I Official Plan) and policy modifications to the "Special Policy Area," "Natural Hazards" and

"Neighbourhood" policies for the Lake Wilcox Special Policy Area (SPA) as per the recommendations of the Lake Wilcox SPA Review Study. The study was undertaken in accordance with the Ministry of Natural Resources and Forestry's Technical Guide. The draft official plan amendment is intended to update the Official Plan to be consistent with the Provincial Policy Statement, 2014 policies related to SPAs. Accordingly, prior to final adoption of the amendment, the Town is required to seek the approval of the Ministers of Natural Resources and Forestry and Municipal Affairs, who retain approval authority for SPA matters. The purpose of the proposed zoning by-law amendment is to implement the policies of the draft official plan amendment described above.

Lands Containing Seven (7) or More Residential Units: A copy of this notice must be posted by the owner of any land that contains seven (7) or more residential units in a location that is visible to all of the residents.

Any person may attend the meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan and Zoning By-law Amendments. Written comments by any person unable to attend the meeting should be made in person, or by mail to the Town Clerk, The Corporation of the Town of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario, L4B 3P4, or fax to 905-771-2502, or by email to clerks@richmondhill.ca and is to be received no later than 12:00 noon on Wednesday, May 24, 2017. Please ensure that you include your name and address so that you may be contacted if necessary.

Official Plan and Zoning By-law Amendments Appeal: If a person or public body does not make oral submissions at the public meeting or make written submissions to the Town Clerk, The Corporation of the Town of Richmond Hill before the proposed Official Plan Amendment is adopted or refused and/or the Zoning By-law Amendment is passed or refused, the person or public body is not entitled to appeal the decision of the Council of the Town of Richmond Hill to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the adoption or refusal of the proposed Official Plan Amendment and/or the passing or refusal of the proposed Zoning By-law Amendment related to the Lake Wilcox Special Policy Area (SPA) Review (Town file number D10-PL-SPA), you must make a written request to the Town Clerk, The Corporation of the Town of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario L4B 3P4 or by e-mail at clerks@richmondhill.ca.

Notice of Collection: Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13 and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. The Town collects this information in order to make informed decisions on the relevant issues and to notify interested parties of Council's decisions. It may also be used to serve notice of an Ontario Municipal

Board hearing. Names and addresses contained in submitted letters and other information will be available to the public, unless the individual expressly requests the Town to remove their personal information. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56. Questions about this collection and disclosure should be directed to the Office of the Clerk at 905-771-8800 or by e-mail at clerks@richmondhill.ca.

Additional Information: For more information about this matter, including information about preserving your appeal rights, please contact the Office of the Clerk at 905-771-8800 or by e-mail at clerks@richmondhill.ca.

Questions about the information and recommendations contained in the staff report regarding the proposed amendments to the Lake Wilcox SPA should be directed to Michal Matyjewicz, Planner II – Policy at 905-747-6428 or by e-mail at: michal.matyjewicz@richmondhill.ca. The proposed amendments related to the Lake Wilcox SPA Review are available for inspection in the Planning and Regulatory Services Department between 8:30 AM and 4:30 PM, 225 East Beaver Creek Road, 4th Floor. Alternatively, a digital copy can be downloaded from RichmondHill.ca/LakeWilcoxSPA. The Staff Report will be available at the Office of the Clerk, Ground Floor of the Municipal Offices, on Wednesday, May 17, 2017 after 3:00 PM. The Staff Report will also be available on the Town's website RichmondHill.ca/Meetings. To find it, select the Calendar and click on the relevant meeting for a list of items.

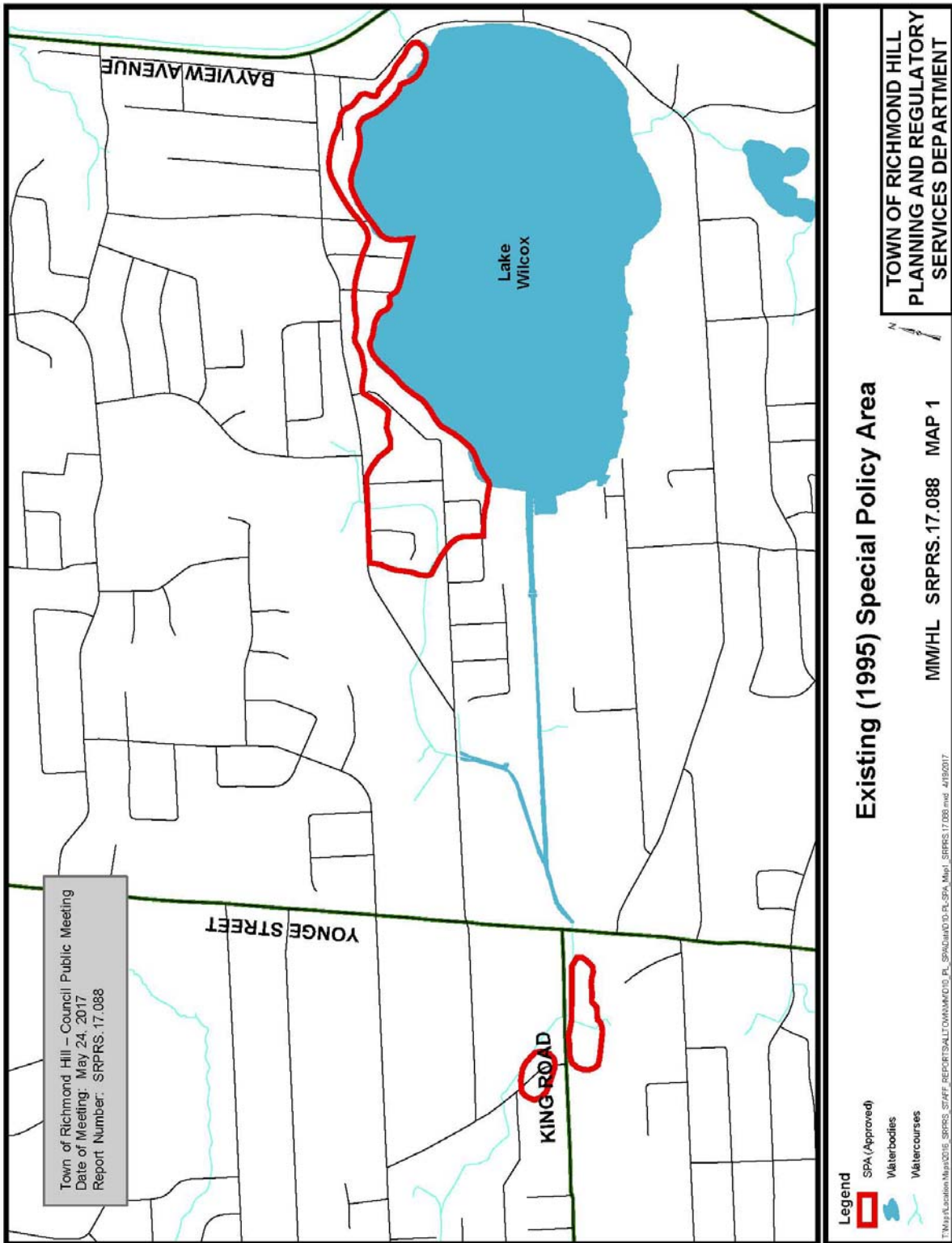
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, Ontario L4B 3P4
Stephen M.A. Huycke, Town Clerk
Dated this 27th day of April, 2017

Telephone: 905-771-8800
Fax: 905-771-2502
E-mail: clerks@richmondhill.ca

Richmond Hill Liberal | Thursday, April 27, 2017

Appendix D
SRPRS.17.088
File #D10-PL-SP

Map 1 – Existing SPA



Map 2 – Proposed SPA

